

From: [Broyles, Ragan](#)
To: [Smith, Monica](#)
Subject: RE: draft responses to boxer questions 2-7, 9 and 10
Date: Tuesday, May 07, 2013 12:24:56 PM

On Q4 are the reports to the state the Tier 2 forms? If so lets state that it is reported in the Tier 2.

From: Smith, Monica
Sent: Tuesday, May 07, 2013 12:08 PM
To: Broyles, Ragan; Petersen, Chris; Phillips, Pam; Edlund, Carl
Cc: Mason, Steve; Goodfellow, Bob
Subject: draft responses to boxer questions 2-7, 9 and 10

Though HQ did not ask for input on these questions, per Carl's and David's request, Bob and Steve generated a response to the questions. Where a regional perspective could be offered, it was included in the response. Let me know if I need to make any changes to the file. For ease in reading this on your black berry, I have attached the text of the file in the message below.

Carl and Pam – if it meets your approval, please forward to David Gray.

Thanks Monica

2. Sec. 112(r) of the Clean Air Act, including the general duty clause, was passed to enhance safety and reduce the risk from explosive chemicals. The press has reported that the West facility stored large amounts of ammonium nitrate, which can be highly explosive. Why is ammonium nitrate not on the list of covered chemicals that facilities must report to EPA under the Risk Management Program?

- Ammonium nitrate did not meet the criteria for listing as a toxic or flammable substance under RMP.

3. Please provide a list of all chemicals regulated through the Risk Management Program under Section 112(r) and the types of uncovered chemicals EPA could add to the list or otherwise address under the general duty clause of Sec. 112(r).

- A list of chemicals regulated under the Risk Management Program can be found at <http://www.gpo.gov/fdsys/pkg/CFR-2011-title40-vol15/xml/CFR-2011-title40-vol15-sec68-130.xml>.
- Via an extensive outreach effort over the past 15 years and through annual meetings and Emergency Response exercises and training EPA Region 6 has stressed to the LEPCs and local communities the necessity to plan for, and coordinate planning with, those facilities that store chemicals that may not be on the RMP list, but may still present a large hazard to the community, or first responders responding to an incident at the facility.

4. Provide me with a list of all chemicals that facilities are required to report to state or local emergency planning authorities but are not required to report to EPA.

- EPA maintains a list of extremely hazardous substances, which can be found at 40 CFR

355, which LEPCs and States receive notifications from facilities if they store one of the substances above certain thresholds. Additionally, State and local officials receive inventory information on any hazardous chemical, as defined by OSHA under their Hazard Communication Standard – 29 CFR 1910.1200), which is stored above certain thresholds by a facility. There is no specific list of these chemicals; it is based on the criteria established by OSHA on whether a chemical is considered hazardous.

5. How many facilities Fall under Sec. 11 2(r) of the Clean Air Act and where are they located?

- Nationally, there are currently 12,763 active RMP facilities under EPA jurisdiction. This includes facilities in all 50 states, Guam, Puerto Rico and the US Virgin Islands. As of May 7, 2013, there are 2296 RMP facilities in Region 6.

STATE	TOTAL RMP
AR	161
LA	335
NM	64
OK	320
TX	1417

6. How often are those covered facilities inspected by EPA officials?

- Since early 2002 the Region 6 RMP program has conducted slightly more than 1500 RMP inspections. Some facilities previously inspected have since deregistered and some have been inspected more than once. Of the 2296 currently active facilities, just under 1400 have been inspected at least once. Assuming an annual number of inspections of 150 and no duplicate inspections, it will take another 6 years to inspect the entire universe.

7. Who at EPA has lead responsibility for Sec. 112(r) of the Clean Air Act, and how does EPA ensure that oversight is regularly conducted at covered facilities?

- At the national level, the Office of Emergency Management has oversight of the program side, while the Office of Enforcement and Compliance Assurance has oversight of the enforcement program of RMP. Within Region 6, both the Superfund Division and the Enforcement Division share the responsibility of inspecting and regulating the covered facilities under RMP. The responsibility is divided between Non-Title V permitted facilities and Title V permitted facilities. The Superfund Division is responsible for the Non Title V permitted facilities and the Compliance Assurance and Enforcement Division is responsible for the Title V permitted facilities.

9. Explain how EPA works with other agencies at the local, state, and federal level to plan for accident prevention.

- Within Region 6, EPA regularly trains or exercises with various local, state, and federal agencies to be better prepared for chemical emergencies. For 14 years, EPA Region 6 conducted a regional or State-wide LEPC conference to provide LEPC officials with the most current information on chemical accident preparedness and prevention. For the past 12 years, EPA Region 6 has assisted in sponsoring and conducting HOTZONE, a region-wide training conference held in Houston each year. Over 5,000 first responders have attended this conference, learning hazardous materials response skills from the nation's premier trainers. Since 1988, EPA Region 6 has issued a bi-monthly update to each LEPC, Indian tribe, state, and regulated facility on the most up-to-date information on accident

preparedness and prevention.

10. Describe how EPA can ensure that information about chemical accident prevention and emergency response could be distributed more widely to responsible authorities, including through electronic databases.

- EPA, working through our State partners, should conduct a national initiative to ensure that local elected officials (county judges, mayors, etc), understand the potential risks in their communities, where information is available on these risks (Tier II reports, RMP data, etc), and on the responsibilities of communities under EPCRA to plan for such risks.

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